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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

16 IN RE PLAID INC. PRIVACY LITIGATION

Master Docket No. 4:20-cv-03056-DMR

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19 THIS DOCUMENT RELATES TO:
20 ALL ACTIONS
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**DECLARATION OF ETHAN D. DETTMER
IN SUPPORT OF DEFENDANT PLAID
INC.'S MOTION TO DISMISS PLAINTIFFS'
CONSOLIDATED AMENDED COMPLAINT**

ORAL ARGUMENT REQUESTED

Action Filed: May 4, 2020

Judge: Hon. Donna M. Ryu

I, Ethan D. Dettmer, declare and state as follows:

1. I am an attorney duly licensed to practice law before all courts of the State of California, and I am a member of the Bar of this Court. I am a partner with the law firm of Gibson, Dunn & Crutcher LLP, counsel for Defendant Plaid Inc. (“Plaid”) in this case. I make this declaration in support of Plaid’s Motion to Dismiss Plaintiffs’ Consolidated Amended Complaint. I have personal knowledge of the matters stated herein and, if called to do so, I could and would competently testify about them.

2. Attached hereto as **Exhibit A** is a true and correct copy of Plaid’s End User Privacy Policy, effective December 30, 2019, available at <https://plaid.com/legal/#end-user-privacy-policy>.

3. Attached hereto as **Exhibit B** is a true and correct copy of Venmo’s Privacy Policy, effective June 30, 2020, available at <https://venmo.com/legal/us-privacy-policy/ios>.

4. Attached hereto as **Exhibit C** is a true and correct copy of Cash App’s Additional Cash Terms of Service – Annotated, effective April 16, 2019, available at <https://cash.app/legal/us/en-us/annotated-tos>.

5. Attached hereto as **Exhibit D** is a true and correct copy of Coinbase’s Global Privacy Policy, effective July 31, 2020, available at <https://www.coinbase.com/legal/privacy>.

6. Attached hereto as **Exhibit E** is a true and correct copy of a series of screenshots captured from the Venmo application under my supervision on August 31, 2020 that show the consumer experience when connecting a bank account to Venmo using Plaid Link. Venmo account and bank account balance information has been redacted.

7. For the Court’s convenience, below is a chart prepared under my supervision that sets forth the Plaintiffs’ claims that are time-barred based on Plaintiffs’ allegations (those with an “X”) and those that are not time-barred based on Plaintiffs’ allegations (noted with a “√”):

Plaintiff	App Sign-Up Date	Privacy (Com. Law & CA Const.) (2 yrs.)	CFAA (2 yrs.)	SCA (2 yrs.)	Unjust Enrich. (3 yrs.)	UCL (4 yrs.)	CAPA (3 yrs.)	Deceit (3 yrs.)	CDAFA (3 yrs.)
Anderson	2019 Venmo (CAC ¶ 100)	√	√	√	√	√	√	√	√

Plaintiff	App Sign-Up Date	Privacy (Com. Law & CA Const.) (2 yrs.)	CFAA (2 yrs.)	SCA (2 yrs.)	Unjust Enrich. (3 yrs.)	UCL (4 yrs.)	CAPA (3 yrs.)	Deceit (3 yrs.)	CDAFA (3 yrs.)
Anderson	<u>2020</u> Cash App (CAC ¶ 100)	✓	✓	✓	✓	✓	✓	✓	✓
Cottle	<u>Jan. 2019</u> Venmo (CAC ¶ 111)	✓	✓	✓	✓	✓	✓	✓	✓
Curtis	<u>Apr. 2015</u> Venmo (CAC ¶ 121)	X	X	X	X	X	X	X	X
Evans	<u>2016</u> Venmo (CAC ¶ 130)	X	X	X	X	X	X	X	X
Mitchell	<u>Aug. 2015</u> Venmo (CAC ¶ 140)	X	X	X	X	X	X	X	X
Mitchell	<u>Sept. 2015</u> Cash App (CAC ¶ 140)	X	X	X	X	X	X	X	X
Mullen	<u>Mar. 2014</u> Venmo (CAC ¶ 150)	X	X	X	X	X	X	X	X
Sacks	<u>June 2014</u> Venmo (CAC ¶ 159)	X	X	X	X	X	X	X	X
Schoeneman	<u>July 2016</u> Venmo (CAC ¶ 168)	X	X	X	X	✓	X	X	X
Sotelo	<u>Feb. 2020</u> Venmo	✓	✓	✓	✓	✓	✓	✓	✓

Plaintiff	App Sign-Up Date	Privacy (Com. Law & CA Const.) (2 yrs.)	CFAA (2 yrs.)	SCA (2 yrs.)	Unjust Enrich. (3 yrs.)	UCL (4 yrs.)	CAPA (3 yrs.)	Deceit (3 yrs.)	CDAFA (3 yrs.)
	(CAC ¶ 178)								
Umali	2015 Venmo (CAC ¶ 188)	X	X	X	X	X	X	X	X
Umali	2016 Cash App (CAC ¶ 188)	X	X	X	X	X	X	X	X
Umali	2017 Coinbase (CAC ¶ 189)	X	X	X	X	✓	X	X	X
Yeomelakis	Mar. 2014 Venmo (CAC ¶ 199)	X	X	X	X	X	X	X	X

I declare under penalty of perjury under the laws of the United States and California that the foregoing is true and correct, and that this declaration was executed at San Anselmo, California on this 14th day of September, 2020.

/s/ Ethan D. Dettmer

Ethan D. Dettmer